

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

TAMARA CAMPANILE, *an individual*, and  
LAWRENCE CAMPANILE, *an individual*,

No. 3:18-cv-01716-YY

Plaintiffs,

OPINION AND ORDER

v.

DAIMLER NORTH AMERICA  
CORPORATION, DAIMLER TRUCKS NORTH  
AMERICA LLC *dba* FREIGHTLINER LLC, and  
JMR GROUP, LLC, *dba* MCCOY  
FREIGHTLINER,

Defendants.

**BAGGIO, District Judge:**

On October 1, 2024, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”, ECF 143), recommending that this Court grant Defendants’ Motion for Terminating Sanctions Dismissing Plaintiffs’ Complaint Due to Their Spoliation (ECF 121). Plaintiffs objected (ECF 147) and Defendants responded (ECF 154). This Court ADOPTS Judge You’s F&R.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. § 636(b)(1)(B), (C). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or

recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

The Court has carefully considered Plaintiffs’ objections and concludes that there is no basis to modify the F&R. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge’s F&R.

### CONCLUSION

The Court ADOPTS Judge You’s Findings and Recommendation (ECF 143). Therefore, Defendants’ Motion for Terminating Sanctions Dismissing Plaintiffs’ Complaint Due to Their Spoliation (ECF 121) is GRANTED. This case is dismissed with prejudice. All other pending motions (ECF 114, 116, 119, 123) are denied as moot.

IT IS SO ORDERED.

DATED this 13<sup>th</sup> day of January, 2025.

*Amy M. Baggio*

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AMY M. BAGGIO  
United States District Judge